

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

Case No. 5:22-CV-00531-M

ROSE MARIE EDWARDS BAKER R)
DUNN JR.,)
Plaintiff,)
v.) ORDER
FRANK LEE,)
Defendant.)

Before the court is Magistrate Judge Robert B. Jones, Jr.'s Order and Memorandum and Recommendation. DE 6. Pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b), United States Magistrate Judge Jones entered a memorandum and recommendation ("M&R"), recommending that the court dismiss Plaintiff's Complaint as frivolous under 28 U.S.C. § 1915(e)(2)(B). *Id.* To date, no objections have been filed.¹

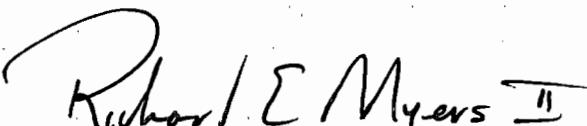
A magistrate judge's recommendation carries no presumptive weight. The court "may accept, reject, or modify, in whole or in part, the . . . recommendation[] . . . receive further evidence or recommit the matter to the magistrate judge with instructions." 28 U.S.C. § 636(b)(1). The court "shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." *Id.* Absent a specific and timely objection, the court reviews only for "clear error" and need not give any explanation for adopting

¹ Judge Jones issued the M&R on March 6, 2023. Objections were due to be filed on or before March 20, 2023. See DE 6. After an order extending Plaintiff's time to file objections to the M&R [DE 11], the parties' motions and M&R were submitted to this court for disposition on June 28, 2023.

the recommendation. *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005).

Upon careful review of the M&R and the record presented, and finding no clear error, the court ADOPTS the recommendation of the magistrate judge as its own. For the reasons stated therein, Plaintiff's Complaint is DISMISSED. The Clerk of Court is directed to close this case.

SO ORDERED this 3 day of July, 2023.


Richard E. Myers II
CHIEF UNITED STATES DISTRICT JUDGE